[original]

Darrow HAyGood
NAME

V09189
PRISON NUMBER

P.O. BOX 290066
CURRENT ADDRESS OR PLACE OF CONFINEMENT

Represa, ca 95671
CITY, STATE, ZIP CODE

FILED
FEB 27 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [initials] DEPUTY

2254 ✓ 1983
FILING FEE PAID
Yes ___ No ✓
IFP MOTION FILED
Yes ___ No ✓
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Court ✓ ProSe ___

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Darrow Haygood,
(FULL NAME OF PETITIONER)

PETITIONER

v.

Mike Knowles,
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER [E.G., DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS])

RESPONDENT

and

Bill Lockyer,
The Attorney General of the State of California, Additional Respondent.

'08 CV 0374 JAH BLM
Civil No. ______
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY

1. Name and location of the court that entered the judgment of conviction under attack: Referr to page "2"
2. Date of judgment of conviction: same
3. Trial court case number of the judgment of conviction being challenged: same
4. Length of sentence: same

MC–275

This petition concerns:

- [X] A conviction
- [ ] Parole
- [ ] A sentence
- [ ] Credits
- [ ] Jail or prison conditions
- [ ] Prison discipline
- [ ] Other *(specify)*: ______

1. Your name: Darrow Dewaun Haygood

2. Where are you incarcerated? California State Prison (New Folsom) Represa, Calif. 95671-0066

3. Why are you in custody? [X] Criminal Conviction [ ] Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Count 1. Robbery First Degree in concert: Personal used a Fire arm (Shotgun): Association with a criminal street gang with the specific intent to promote and assist criminal gangmembers.
Count 2. Robbery, First Degree in concert: Personal used A Fire arm (shotgun): Association with a criminal street gang with the specific intent to promote and assist criminal gang members.

b. Penal or other code sections: PC 211; PC 213(a)(1)(A): PC 186.22(b)(1); PC 211; PC 213(A)(1)(A) 186.22(

c. Name and location of sentencing or committing court: Superior court of California county of San Dieg[o] East county Division, 220 West Broadway, San Diego, California 92101

d. Case number: Superior court No. SCE229595

e. Date convicted or committed: September 10, 2003

f. Date sentenced: October 8, 2003

g. Length of sentence: 26 years

h. When do you expect to be released? ______

i. Were you represented by counsel in the trial court? [ ] Yes. [ ] No. If yes, state the attorney's name and address:

______

______

4. What was the LAST plea you entered? *(check one)*

[X] Not guilty [ ] Guilty [ ] Nolo Contendere [ ] Other: ______

5. If you pleaded not guilty, what kind of trial did you have?

[X] Jury [ ] Judge without a jury [ ] Submitted on transcript [ ] Awaiting trial

Did you appeal from the conviction, sentence, or commitment? [X] Yes. [ ] No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"): Court of appeal - state of California Fourth appellate District

b. Result: Denied c. Date of decision: ______

d. Case number or citation of opinion, if known: ______

e. Issues raised: (1) ______

(2) ______

(3) ______

f. Were you represented by counsel on appeal? [ ] Yes. [ ] No. If yes, state the attorney's name and address, if known:

Boyce & schaefer, Robert E. Boyce 934 23rd street san Diego, ca 92102-1914

Did you seek review in the California Supreme Court? [X] Yes. [ ] No. If yes, give the following information:

a. Result: Denied b. Date of decision: ______

c. Case number or citation of opinion, if known: ______

d. Issues raised: (1) ______

(2) ______

(3) ______

). If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

InEffective Assistant of Appellant counsel in Failing to raise the grounds on Direct appeal.

1. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

______

______

______

______

______

______

______

______

b. Did you seek the highest level of administrative review available? [ ] Yes. [ ] No.

Attach documents that show you have exhausted your administrative remedies.

ther than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, ommitment, or issue in any court? ☐ Yes. If yes, continue with number 13. ■ No. If no, skip to number 15.

(1) Name of court: N/A

(2) Nature of proceeding (for example, "habeas corpus petition"): N/A

(3) Issues raised: (a) N/A

(b) N/A

(4) Result *(Attach order or explain why unavailable)*: N/A

(5) Date of decision: N/A

(1) Name of court: N/A

(2) Nature of proceeding: N/A

(3) Issues raised: (a) N/A

(b) N/A

(4) Result *(Attach order or explain why unavailable)*: N/A

(5) Date of decision: N/A

For additional prior petitions, applications, or motions, provide the same information on a separate page.

iny of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

N/A

N/A

plain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) Cal.2d 300, 304.)

INEFFective Assistant of Appellate counsel in Failing to Raise these Grounds on Direct Appeal

e you presently represented by counsel? ☐ Yes. ☐ No. If yes, state the attorney's name and address, if known:

you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☐ No. If yes, explain:

his petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

This petition is Being made In the state lower court having Jurisdiction to correct the violation of petitioner's right's to a Fair trial.

indersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that egoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as ie matters, I believe them to be true.

Date: Aug 14.2007

Darrow Hazard
(SIGNATURE OF PETITIONER)

MC-275

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." *(If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)*

INEffective Assistance OF trial Counsel in Failing to OBJect to the AdMissiBility OF the Tape-Recorded Interview OF petitioner when Detective M. Mercado Who INFormed Petitioner that he was Under Arrest Did Not read Miranda Rights.

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. *If necessary, attach additional pages.* CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: *who* did exactly *what* to violate your rights at what time *(when)* or place *(where)*. *(If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)*

On FeBruary 18, 2003 petitioner (Haygood) and three other men, (Keyon George, and Anthony Gardner) as well as another Man Alleged to have Been Jerry Grinston, RoBBed Jesse and paul Savage at Gun point while they were in Jesse's Bedroom at their parent's La mesa home where gardner had previously live For a period OF Time. The RoBBer's took around $800 in cash, MariJuana, Numerous CD's and DVD's, a cellphone, a hat and and Jessies Identification Card. When the roBBer's left, Jesse Immediately Called 911, Telling the operator that "Four Black guy's With gun's" had Just RoBBed him, including one Named gardner, whom he Believed had set him up. The police arrived at the savage home within several Minutes to interview Jesse and paul. IN the meantime a lamesa police OFFicer that was on patrol in the vacinity IN the

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

Strickland V. Washington, (1984) 466 U.S. 668. 80L Ed 2d 674. 104 S.Ct 2052

Colorado V. CoNNelly, 479 U.S. 157, 163 (1986) (Dictum) area recieved a Dispatch call about the incident and saw a Black male, wearing a red shirt, pants, red sneaker and a hat later identified as Belonging to Jesse, running From the Direction of the savage home and Detained Him. The MAN, who was later identified as george, then threw the hat he was wearing ON the ground. The officer patted him Down, Finding a large wad of Money, a cell phone, and Jesse's Identification card. After Jesse Identified George in a curbside lineup as one of The Robbers, George was Arrested. As the officer placed George in his patrol car, George sang out "piru".

Although No gun was Found in George's possession, Another LAMESA police officer Found a large unloaded revolver underneath a Truck parked Near the savage home and CD case in a grassy area Near a Driveway close By the home. Jesse identified the Revolver as the gun George had used in the incident.

Based ON the Broadcast information about the incident, gardner was Arrested three Day's Later and Turned over to LAMesa police officer Marco Mercado, the investigating Detective Assigned to the case, who then interviewed him. Another subject who Matched the Description of one of the Fleeing Robbers was Also turned over to Mercado. A photographic Lineup of That suspect was shown to Both Jesse and paul ON March 31, 2003 But Neither could identify him as Being involved in the Robberies.

Because Further investigation revealed that phone
Numbers For petitioner (HAygood), and a person Named Anthony
had appeared ON Jesse's cell phone Caller I.D. For the morning
OF the roBBeries, Mercado put together Another photographic
LiNe up containing Martin's photo to show Jesse and paul
Later ON March 31, 2003. Although paul could Not recogNize ANyone
From that photo line up, Jesse identified martin as looking "like the
guy with the Bengals T-shirt [GardNer] Brought. That is the guy
that [Gardner] Brought." When mercado showed Jesse a photo lineup
containing petitioner's photo ON April 9, 2003, Jesse identified petitioner
saying "I'm 100 percent positive that's him". He's the guy holding
the gauge. Based ON Additional Investigation, which revealed that
Petitioner (Haygood) and martin were roommates, Mercado OBtained
a search warrant to search their apartment in spring Valley.
Neither was home when the search warrant was served ON
April 12, 2003, and the apartment was Found to Be vacant. Detectives
Then went to petitioner's Uncle's apartment in the same complex
and Found Petitioner Haygood there. Petitioner initially DeNied
who he was, He matched the photo the Detectives had OF petitioner,
and petitioner's uncle confirmed, "thats him."

Petitioner HAygood at that time was taken DowN
To the police station where he was placed inside OF A INterview
Room, To Be questioned as Detective M. Mercado informed Petitioner
That a roBBery occurred iN which petitioner was picked out OF a photo.
Petitioner was asked to have a seat as Detective mercado will
Be Back any second.

Detective M. Mercado returned to the interview room and stated to petitioner: Alright man, as I Explained to you, A Robbery occurred. you were picked out of a photo Line up. your phone Number was used prior to that. Now what can you tell me? What can you tell me about this? See Attached Tape-Recorded Interview of Darrow Haygood 0044 page 2 Line 5-17 (Exhibit-A). Petitioner at that time Told Detective Mercado that he had Been present at the Time of the Robbery in the savage home. Petitioner claimed there were only three Black men at the Savage home (George, Gardner and himself). And that it was only George who had a gun and had asked For money while telling him (petitioner) to grab some marijuana as they Fled the scene. Detective Mercado questioned petitioner about what was he wearing, Does petitioner claim a gang. Detective Mercado Further questioned Petitioner if co-defendants keyon and Tony Bang and if petitioner Ever seen 'em kicking it with Bangers? what's the gang in that Area? Petitioner informed Detective Mercado that Basically He Don't Know What He's Doing here. Detective Mercado at that Time agian informed petitioner that he were implicated in a Robbery, Okay? you were there at the commission of a robbery, okay? He told petitioner that's, what he's Doing here. Detective Mercado at that time stated: Okay, you're under arrest For Robbery Alright, and I'll tell you right Now your story Doesn't match up For what's going on, in anyway. your story Does Not match up But your record's Clean.

During this tape recording Interview, petitioner Made incriminating statements putting himself involved in the Robbery with co-defendant's. Petitioner while Being questioned By Detective Mercado, Also made incriminating statements about his co-defendants as to them Banging, seeing him outside with a lot of 'Em kicking It, Other people come From Hidden Meadows. Petitioner saw Jerry and Gardner were gonna Beat him up, Im like his Face looks swollen they must have Beatin him up, stated Petitioner.

The prosecutor offered the tape interview into Evidence to use agianst petitioner as to Both the Robbery charges and the charges of the gang Enhancements. At Trial, Detective Mercado Also read to the Jury his summary of petitioners statements. The Jurors were supplied with a copy of the Transcripts and the tape interview was played in open court.

The prosecutor were also allowed to Bring in his investigator James Bushway to testify about gangs, East side Piru, "Blood" gang colors, Wearing red or Black and that some will wear green, In the gang world. He also called in gang Expert John Davis. Petitioner contends that his trial counsel was ineffective in Failing to object to the Admissibility of the Tape interview.

Counsel Never pursued the question of whether Petitioner had Been read his Miranda rights, and unreasonably Failed to challenge the admissibility of Petitioner's Tape-Recorded Interview ON the grounds that Petitioner's ENtire tape-recorded Interview, in which all Statement's made while Being questioned By Detective mercado was Not KNOWing, intelligent and voluntary, As Detective Mercado Never read petitioner his miranda rights once Petitioner was Arrested. Clearly During the Tape interview of petitioner, once Detective mercado stated: you were implicated in a Robbery okay? you were there at the commission of a Robbery Okay? You're Under Arrest For Robbery! Detective Mercado had the Duty to read Petitioner his Miranda rights IN Which He Did Not.

Here Petitioner contends that trial counsel was iNEffective Assistance of counsel in Failing to OBJect to the Admissibility of the ENtire Tape-Recorded interview confession ON the grounds that it was Not Knowingly, intelligent and Voluntary as Detective Mercado Did Not Ever read petitioner his miranda rights. Such OBJections would have resulted in the exclusion OF (1) Petitioner's ENtire confession in Total (2) Detective Mercado's Testimony as to petitioner's confession (3) Both of the Testimony's of the Prosecutor's Witnesses Detective mercado who was the Prosecutor's investigating officer and James Bushway also the Prosecutor's Investigator gang Expert testimony as to gangs (4) Detective Mercado's summary Wrote and read to the Jury, of petitioner HAygood AND (5

The Prosecutor using them in support of the robbery charges as well
as the charges of gang Enhancement's agianst Petitioner. In Limine the court
as well as Trial counsel for petitioner and the prosecutor Discussed the Admissibility
of the Tape-Recorded Interview of Petitioner and Detective Mercado pretrial.
It was Trial counsel's Duty to object to the Entire Tape-Recorded Interview
confession on the grounds that it was Not knowingly, Intelligent and Voluntary
as Detective Mercado Did Not Ever read petitioner His Miranda Right's.
"[Id. At 444. Clearly states the court held that, unless the Defendant
was informed of his Fifth Amendment right's Before questioning, Any preTrial
Statement's Elicited From him During custodial Interrogation were Inadmissible
at trial. (See Exhibit-A). By Trial counsel failing to object to the Admissibility
of the Entire Tape-Recorded Interview Being that petitioner was Never read his
miranda right's, PreJudiced Petitioner and only then is when the court granted
The admissibility of the Entire Tape-Recorded statement's From petitioner, In which
Petitioner was PreJudiced By his Trial counsel's Unreasonable Performance that
Fell Below Objective Standard of reasonabless, As well as proves that Trial
Counsel Also Failed to Pursue Any Investigation into whether petitioner
had Been Mirandized preTrial. If Trial counsel for Petitioner "Had pursued"
An Investigation Into Whether Petitioner had Been Mirandized, this would have
Resulted in the Objection PreTrial of the Entire Tape-Recorded statement's
Of Petitioner, And By this NegliJence By trial counsel to Do so, This Identifies
The Act and Omission's of counsel that are Alleged Not to have Been the
Result of reasonable Professional Judgement, and that counsel's Deficient
Performance PreJudiced the Petitioner resulting in a unreliable and
Fundamentally unfair out come in the proceeding. (Strickland V. Washington)
Furthermore, there is No Proof that Petitioner had Been read his Miranda
right's Before Talking with Detective Mercado. During the "Entire Interview
of Petitioner's Being questioned In the Tape-Recorded Interview with
Detective Mercado about the Robbery, gangs, and co-Defendant's, Petitioner
was recorded From the Begining to the End Also proving that
Detective Mercado Did Not Ever read Petitioner his miranda right's.
(See Attached Tape-Recorded Interview of Petitioner Darrow Haygood (Exhibit-A)
which are Documented transcript's of Petitioner's Interrogation at
The Exact time of His Arrest when He was taken Down to the Police Station And
was taken in to the Interview Room where Petitioner was questioned about the Robbery, gang
and co-Defendant's And at No time was petitioner Ever Mirandized From the time of his Arrest or the
time of his Interrogation In the Interview Room, Please See (Exhibit-A) For Factual
Documented proof of this! It is the Detective's word agianst My Factual Proof!

Petitioner contends that he was preJudiced By His Trial counsel's unreasonaBle perFormance By Failing To oBJect and allowing the prosecutor to offer Petitioner's UN-Mirandized INcriminating confession, The Tape recorded INterview, the Detective Mercado's written summon's, and the Testimony OF Both Detective Mercado and INvestigator gang Expert James Bushway who also used Petitioner's UN-mirandized INcriminating CONFESSION, All to Be used against petitioner to convict Him ON all charges when iN Fact, Detective Mercado Did Not Ever read petitioner his Miranda rights. See also petitioner Darrow D. HAygood Attached Declaration under penalty OF perJury (EXhiBit-C). Also, Their was "No Waiver" Ever **Signed** By Petitioner HAYGOOD.....

Because trial counsel's performance Fell Below the OBJective standard OF reasonaBless and petitioner was PreJudiced By his Trial counsel's omissions which Led to petitioner's conviction ON charges, Petitioner Further Contends that his appellate counsel was also iNEffective iN Failing to raise and/or argue this ground ON Direct appeal.

There Fore, Petitioner's convictions should Be reversed under the **six** Amendment to the united states Constitution as a matter OF Law. (Colorado v. CONNelly, 479 U.S. 157, 163 (1986) (DictuM), Involuntary Confession Violates Due process clause OF 5th 6th and 14th Amendments.

Ground 2

7. Ground 2 or Ground ____ (if applicable): MC-275

INEFFective Assistant oF trial Counsel in Failing to pursue Any Investigation into Whether petitioner had Been read his Miranda rights By Detective Mercado at AnyTime prior to petitioner Making statements.

a. Supporting facts:

As Stated in ground one, in the inFormation Filed against petitioner, the prosecutor alleged that on FeBruary 18, 2003 petitioner (Haygood) and three other men, keyon George, Anthony Gardner and Jerry Grinston, RoBBed Jesse and paul savage at gunpoint while they were at Jesse's room at their parent's lamesa home where gardner had previously live For a period oF time. When the roBBer's leFt, Jesse immediately called 9-1-1 Telling the operator that Four Black guy's with gun's had Just RoBBed him, including one Named Gardner, whom He Believed had set him up. In the mean Time, a lamesa police oFFicer on patrol in the area who recieved a Dispatch call aBout the incident, saw a Black male wearing red shirt, pant's, red sneaker's and a hat later IdentiFied as Belonging to Jesse, running From the Direction oF the savage home and Detained him. The man who was later identiFied as George then threw the hat he was wearing on the ground. The oFFicer patted him Down, Finding a large wad oF money, A

b. Supporting cases, rules, or other authority:

LAMB V. JohnSON, 179 F.3d 352, 356 (5th Cir. (1999)

cell phone, and JessE's identification card. Based ON
the Broadcast information about the incident gardner was
arrested three Day's later and turned over to Lamesa police
officer Marco mercado, the investigating Detective Assigned
to the case, who then Interviewed him. Another subject
was also turned over to Detective Mercado.
Because Further Investigation revealed that
For petitioner (haygood) and Anthony Appeared on Jesse's cell phone
caller I.D. For the morning of the robberies, mercado
Put together another photographic lineup containing martins photo
to show Jesse and paul later on march 31, 2003.
Based on additional investigation, which revealed that
Petitioner (HAygood) and martin were roomates, and Jesse and paul
who identified petitioner as being the guy holding the guage shotgun.
Detective mercado obtained a search warrant to search their
Apartment in Spring Valley. Neither was home when the search
warrant was served ON April 12, 2003 and the Apartment was
Found to Be Vacant. Detective mercado then went to
Petitioner's uncle's apartment in the same complex, and
Found petitioner Haygood there.
Petitioner initially Denied who he was, he matched
the photo Detective mercado had of petitioner, and petitioner's uncle
Confirmed "that's Him." Petitioner at that time was taken Down to
The police station By a Black and white unit police officer, where he
Was then placed inside of a Interview room to Be questioned By
Detective mercado who Did informed petitioner while at his uncle's
Apartment, that a robbery had occurred in which petitioner was
Picked out of a photo.

When Detective mercado Entered into the interview room and stated to petitioner: Alright man, as I Explained to you, a robbery occurred. you were picked out of a photo Line up. your phone Number was used prior to that. Now what can you tell me? what can you tell me about this? see Attached Tape-Recorded Interview of Petitioner Darrow Haygood (Exhibit-A). Petitioner at that time went into making incriminating statements as he told Detective Mercado That He and other co-Defendants had Been present at the time of the robbery in the savage Home. while Being questioned By Detective mercado about co-Defendant's Being gang members, petitioner continued to make incriminating statements. Petitioner though while Being interviewed By Detective mercado informed Detective mercado that Basically, He Don't know what he's Doing Here. Detective mercado at that time again informed petitioner By stating: you were implicated In a robbery okay? you were there at the commission of a Robbery okay? That's what you're Doing here okay, you're Under Arrest For robbery, Alright, and I'll tell you right Now your story Doesn't match up For what's going on, In any way. And like you said, you had a clean record man. Still, Again without Detective mercado informing petitioner of his Miranda rights, He continued to question petitioner who continued to make incriminating statements of Being present at the time of the robbery at the savage home with other Co-Defendant's as well as incriminating statement of co-Defendants Being gang members in which the prosecutor used Petitioner incriminating statement's agianst him to convict on all charges against Him.

The prosecutor offered the tape Interview of Petitioner's unmirandized incriminating statements Into Evidence, to use agianst Petitioner on Both Robbery Charges and the Charges of the gang Enhancements. Detective mercado was also allowed to read to the Jury (without objections) his summary of petitioner Haygood's Incriminating statement though clearly he Never read petitioner His miranda right's. Petitioner's trial counsel Failed to object on the Entire Tape recorded Interview as petitioner was Never mirandized, as well as Neglected to pursue an Investigation, Failing to pursue an Investigation Into whether petitioner had Been mirandized or Not. If Trial counsel for petitioner HAd pursued An Investigation Into whether petitioner had Been mirandized, this would have resulted in the objection Before pretrial of the Entire Tape-Recorded statement's of petitioner. And By Trial counsel's Failure To pursue an Investigation this Identifies the Act and omission's Of counsel that are alleged Not to have Been the result of reasonable Professional Judgement and that counsel's Deficient Performance PreJudiced the petitioner, Resulting in a unreliable and Fundamentally unfair outcome in the proceeding. The prosecutor Further Brought in his Investigator gang Expert James Bushway to give his opinion about gangs Based on petitioner's unmirandized Incriminating confession to convict on the gang Enhancement Charges. Detective Mercado Did Not Ever read petitioner his Miranda right's or Explain to petitioner how Everything petitioner say, can and will Be used agianst him, see Declaration of petitioner Darrow D. Haygood (Exhibit-C). See Also (Exhibit-A) Tape Recorded Interview of Petitioner.

Trial counsel had a copy of the Entire Interview of Detective mercado and petitioner from the Beginning to the End. Trial counsel Knew that During the middle of The Interview For the First time Detective Mercado informed →

Petitioner that he was under arrest For roBBery, But still he wasn't Mirandized. He KNew petitioner had a clean record and there Fore Never Been arrested Before. The Tape recorded INterview would alert reasonable counsel to ask his client iF he was read his miranda rights, here trial counsel Never asked petitioner, Nor Did trial counsel ask Detective mercado.

Petitioners contends that his trial counsel's performance Fell Below The OBJective standard oF reasonaBless and that he was also PreJudiced By his trial counsel Failing to pursue any Investigation into whether petitioner had Been read his miranda rights By Detective mercado at ANY time prior to petitioner making INcriminating statements, Led to petitioners conviction ON all charges, INFact Did also lower to prosecutor's Burden, IN violation OF petitioner's six Amendment right to counsel.

Petitioner Further contends that his trial counsel was iNeFFective iN Failing to investigate in order to argue and/or set a record For his Direct Appeal, and that Petitioner's Appellate counsel was also iNEFFective iN Failing to iNvestigate and argue INEFFective Assistance oF trial counsel, IN Failing to investigate whether Petitioner had Been read his miranda rights ON petitioner's Direct Appeal.

ThereFore, petitioner's convictions should Be reversed under the six Amendment to the United State constitution as a matter oF law. And the Fact that Detective Violated Petitioner's Fourteenth Amendment rights By Failing to read Petitioner his Miranda rights at any time after Being Arrested. (LAMB V. JOHNSON, 179 F.3d 352, 356 (5th cir. (1999).

[redacted]).

4.D

"Prayer For Relief"

Petitioner is without remedy save by Writ of Habeas Corpus. Wherefore, Petitioner prays that the Court:

1. ISSue and Order to Show Cause;
2. Allow Petitioner to Conduct discovery;
3. Conduct an evidentiary hearing;
4. Declare Petitioner's rights;
5. Appoint Counsel to represent petitioner;
6. Grant the writ of Habeas Corpus

Dated: Aug 14, 2007

Darrow Haygood

Darrow D. Haygood

Petitioner In Pro se